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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOAN AMBROSIO et al., on behalf of themselves and those similarly situated,

Plaintiffs,

VS.

COGENT COMMUNICATIONS, INC.,

Defendant.

Case No. 3:14-cv-02182-RS

Assigned to:
U.S. District Judge Richard Seeborg

**STIPULATION TO: (1) EXTEND
DEADLINES FOR EXPERT AND NON-
EXPERT DISCOVERY AND FOR
FILING DISPOSITIVE MOTIONS,
AND (2) CONTINUE CASE
MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

Complaint filed: May 12, 2014
Trial date: May 22, 2017

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STIPULATION

Plaintiffs Joan Ambrosio, et al. (“Plaintiffs”) and Defendant Cogent Communications, Inc. (“Defendant”) (collectively, the “Parties”), by and through their counsel of record, hereby stipulate as follows:

WHEREAS, on March 17, 2016, the Court issued a Further Case Management Scheduling Order setting forth the following deadlines: (i) deadline to designate experts: September 30, 2016; (ii) deadline to designate supplemental/rebuttal experts: October 28, 2016; (iii) deadline to file further case management statement: December 1, 2016; (iv) deadline to complete expert and non-expert discovery: December 2, 2016; (v) further case management conference: December 8, 2016; and (vi) deadline to file dispositive pretrial motions: March 2, 2017. (ECF No. 110.)

WHEREAS, on March 25, 2016, Defendant filed a Motion to Compel Arbitration, Dismiss Claims, and Amend Class Definition (“Motion to Compel Arbitration”). (ECF No. 112.)

WHEREAS, on March 28, 2016, the Court issued a Further Case Management Scheduling Order governing the scope of post-certification discovery that, among other limitations, provided that Defendant is entitled to depose twelve (12) percent of the class and propound interrogatories on twenty (20) class members. (ECF No. 115.)

WHEREAS, the hearing on Defendant's Motion to Compel Arbitration was held on May 12, 2016. (ECF No. 124.)

WHEREAS, on May 27, 2016, the Court ordered the parties to submit supplemental briefing on the rationale and application of *Lewis v. Epic Systems Corp.*, No. 15-2997, 2016 U.S. App. LEXIS 9638 (7th Cir. May 26, 2016), to Defendant's Motion to Compel Arbitration. (ECF No. 127.)

WHEREAS, on August 5, 2016, the Court issued an order denying Defendant's Motion to Compel Arbitration. (ECF No. 139.)

WHEREAS, the Parties have scheduled a private mediation conference for December 12, 2016 to attempt to resolve this matter short of trial.

WHEREAS, (i) given the timing of the Court's order denying Defendant's Motion to Compel Arbitration in relation to the current discovery deadlines, and (ii) to conserve party and judicial resources prior to the December 2016 mediation session, the Parties agree that there is good cause for a reasonable continuance of the foregoing deadlines.

NOW, THEREFORE, the Parties, by and through their counsel of record, hereby stipulate, subject to approval of the Court, to the following revised discovery and law and motion schedule. The pre-trial and trial dates remain unchanged:

December 30, 2016	Deadline to designate experts
January 30, 2017	Deadline to designate supplemental/rebuttal experts
February 15, 2017	Deadline to complete expert and non-expert discovery
February 16, 2017	Deadline to file joint case management statement
February 23, 2017, 10:00 a.m.	Further case management conference
March 30, 2017	Deadline to hear dispositive pretrial motions
May 4, 2017	Pre-trial conference (unchanged)
May 22, 2017	Trial (unchanged)

IT IS SO STIPULATED.

Respectfully submitted,

Date: September 19, 2016 HAYNES AND BOONE, LLP

By: /s/ Matthew E. Costello
Matthew E. Costello
Attorneys for Defendant
COGENT COMMUNICATIONS, INC.
**I, Matthew E. Costello, attest that Monique Olivier
has concurred in the filing of this document.
(Civil L.R. 5-1(i).)*

Date: September 19, 2016 DUCKWORTH PETERS LEBOWITZ OLIVIER LLP
By: /s/ *Monique Olivier*
Monique Olivier
Attorneys for Plaintiffs
JOAN AMBROSIO, ET AL.

[PROPOSED] ORDER

PURSUANT TO STIPULATION:

The Court's Further Case Management Scheduling Order, dated March 17, 2016 (ECF No. 110) ("Scheduling Order") shall be amended as follows:

6	December 30, 2016	Deadline to designate experts
7	January 30, 2017	Deadline to designate supplemental/rebuttal experts
8	February 15, 2017	Deadline to complete expert and non-expert discovery
9	February 16, 2017	Deadline to file joint case management statement
10	February 23, 2017, 10:00 a.m.	Further case management conference
11	March 30, 2017	Deadline to hear dispositive pretrial motions
12	May 4, 2017	Pre-trial conference (unchanged)
13	May 22, 2017	Trial (unchanged)

IT IS SO ORDERED.

Date: 9/20/16


Judge Richard Seeborg
United States District Court